1

2

3

4

5

6

7

8   UNITED STATES DISTRICT COURT

9   FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11   JAVAUGHN ROBINSON,   No. 2: 23-cv-0171 KJN P

12   Plaintiff,

13   v.   ORDER AND FINDINGS AND
                                               RECOMMENDATIONS
14   SCOTTINI,

15   Defendant.

16

17   Plaintiff is a state prisoner, proceeding pro se. Plaintiff's complaint was filed with the

18   court on January 30, 2023. The court's own records reveal that on September 8, 2022, plaintiff

19   filed a complaint containing virtually identical allegations. (Robinson v. Scottini, 2:22-cv-1641).[1]

20   Due to the duplicative nature of the present action, the court recommends that the complaint be

21   dismissed.

22   Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court is directed to assign
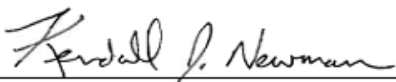
23   a district judge to this case; and

24   IT IS RECOMMENDED that this action be dismissed without prejudice. See Fed. R. Civ.

25   P. 41(b).

26   ////

27   _____

[1] A court may take judicial notice of court records. See MGIC Indem. Co. v. Weisman, 803 F.2d
28   500, 505 (9th Cir. 1986); United States v. Wilson, 631 F.2d 118, 119 (9th Cir. 1980).

1

1   These findings and recommendations are submitted to the District Judge assigned to this

2 case pursuant to the provisions of 28 U.S.C. § 636(b)(l). Within fourteen days after being served

3 with these findings and recommendations, plaintiff may file written objections with the court.

4 The document should be captioned "Objections to Magistrate Judge's Findings and

5 Recommendations." Plaintiff is advised that failure to file objections within the specified time

6 may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th

7 Cir. 1991).

8 Dated: March 3, 2023

9

10   KENDALL J. NEWMAN
                                                               UNITED STATES MAGISTRATE JUDGE

11

     Rob171.fr
12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28